

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-3037
Facsimile: (619) 645-2061
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-989

13 **LUZ V. CODY;**
14 **AKA VALVANERA GALVIS;**
15 **AKA LUZ VALVANERA BROWN;**
16 **AKA LUZ VALVANERA ARNEVIK;**
17 **AKA LUZ VALVANERA POTTER**

A C C U S A T I O N

18 **708 Mountain Shadows Drive**
19 **Corona, CA 92881**

20 **Registered Nurse License No. 510447**

21 **Respondent.**

22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
26 Consumer Affairs.

27 2. On or about April 6, 1995, the Board of Registered Nursing issued Registered Nurse
28 License Number 510447 to Luz V. Cody (Respondent), who is also known as Luz Valvanera
Galvis, Luz Valvanera Brown, Luz Valvanera Arnevik, and Luz Valvanera Potter. The

1 Registered Nurse License was in full force and effect at all times relevant to the charges brought
2 herein and will expire on March 31, 2015, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license.

14 6. Section 2811(b) states:

15 Each such license not renewed in accordance with this section shall expire
16 but may within a period of eight years thereafter be reinstated upon payment of the
17 biennial renewal fee and penalty fee required by this chapter and upon submission
18 of such proof of the applicant's qualifications as may be required by the board,
19 except that during such eight-year period no examination shall be required as a
20 condition for the reinstatement of any such expired license which has lapsed solely
21 by reason of non-payment of the renewal fee. After the expiration of such eight-
22 year period the board may require as a condition of reinstatement that the applicant
23 pass such examination as it deems necessary to determine his present fitness to
24 resume the practice of professional nursing.

25 STATUTORY PROVISIONS

26 7. Section 482 of the Code states:

27 Each board under the provisions of this code shall develop criteria to
28 evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee."

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1 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
2 revoke a license on the ground that the licensee has been convicted of a crime substantially
3 related to the qualifications, functions, or duties of the business or profession for which the
4 license was issued.

5 9. Section 493 of the Code states:

6 Notwithstanding any other provision of law, in a proceeding conducted by a
7 board within the department pursuant to law to deny an application for a license or
8 to suspend or revoke a license or otherwise take disciplinary action against a person
9 who holds a license, upon the ground that the applicant or the licensee has been
10 convicted of a crime substantially related to the qualifications, functions, and duties
11 of the licensee in question, the record of conviction of the crime shall be conclusive
12 evidence of the fact that the conviction occurred, but only of that fact, and the board
13 may inquire into the circumstances surrounding the commission of the crime in
14 order to fix the degree of discipline or to determine if the conviction is substantially
15 related to the qualifications, functions, and duties of the licensee in question.

16 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
17 'registration.'

18 10. Section 2761 of the Code states:

19 The board may take disciplinary action against a certified or licensed nurse
20 or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the
22 following:

23

24 (f) Conviction of a felony or of any offense substantially related to the
25 qualifications, functions, and duties of a registered nurse, in which event the record
26 of the conviction shall be conclusive evidence thereof.

27

28 REGULATORY PROVISIONS

1 11. California Code of Regulations, title 16, section 1444, states:

2 A conviction or act shall be considered to be substantially related to the
3 qualifications, functions or duties of a registered nurse if to a substantial degree it
4 evidences the present or potential unfitness of a registered nurse to practice in a
5 manner consistent with the public health, safety, or welfare. Such convictions or
6 acts shall include but not be limited to the following:

7 (a) Assaultive or abusive conduct including, but not limited to, those
8 violations listed in subdivision (d) of Penal Code Section 11160.

9 (b) Failure to comply with any mandatory reporting requirements.

1 (c) Theft, dishonesty, fraud, or deceit.

2 (d) Any conviction or act subject to an order of registration pursuant to
3 Section 290 of the Penal Code.

4 12. California Code of Regulations, title 16, section 1445(b), states:

5 When considering the suspension or revocation of a license on the grounds
6 that a registered nurse has been convicted of a crime, the board, in evaluating the
7 rehabilitation of such person and his/her eligibility for a license will consider the
8 following criteria:

9 (1) Nature and severity of the act(s) or offense(s).

10 (2) Total criminal record.

11 (3) The time that has elapsed since commission of the act(s) or offense(s).

12 (4) Whether the licensee has complied with any terms of parole, probation,
13 restitution or any other sanctions lawfully imposed against the licensee.

14 (5) If applicable, evidence of expungement proceedings pursuant to Section
15 1203.4 of the Penal Code.

16 (6) Evidence, if any, of rehabilitation submitted by the licensee.

17 **COST RECOVERY**

18 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(July 19, 2006 Criminal Conviction for Shoplifting on May 28, 2006)**

24 14. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of
25 the Code in that she was convicted of a crime substantially related to the qualifications, functions,
26 and duties of a registered nurse. The circumstances are as follows:

27 15. On or about July 19, 2006, in a criminal proceeding entitled *People of the State of*
28 *California v. Luz Valvanera Cody, aka Luz Valvanera Galvis, aka Luz Valvanera Brown, aka Luz*
Valvanera Arnevik, aka Luz Valvanera Potter, in the Superior Court of California, County of
Riverside, in Case No. RIM485720, Respondent was convicted on her plea of guilty of violating
Penal Code Section 490.5 (shoplifting), a misdemeanor.

16. As a result of the conviction, the Court ordered that Respondent serve one day in the Riverside County Jail, with one day credit for time served, and ordered her to obey all laws, ordinances and court orders, pay various fines and fees, pay restitution to the victim in an amount to be determined by Financial Services, submit person, automobile, residence, garage, storage areas, personal or lease property with or without reasonable cause to search and seizure, and stay away from Albertson's Market in Corona, California. On or about February 19, 2010, Respondent filed a Petition for Dismissal with the Court pursuant to Penal Code sections 1203.4/1203.4(a) after having fulfilled the conditions of probation and the Court set aside Respondent's plea of guilty and dismissed the case.

17. The circumstances surrounding the conviction are that on May 28, 2006, Respondent shoplifted from the Albertson's Market and was placed under citizen's arrest by store personnel. When Corona Police Department Officers arrived, they issued Respondent a citation for violating Penal Code section 490.5 (shoplifting).

SECOND CAUSE FOR DISCIPLINE

(June 9, 2011 Criminal Conviction for Shoplifting on November 19, 2010)

18. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of the Code in that she was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

19. On or about June 9, 2011, in a criminal proceeding entitled *People of the State of California v. Luz Valvanera Cody, aka Luz Valvanera Galvis, aka Luz Valvanera Brown, aka Luz Valvanera Arnevik, aka Luz Valvanera Potter*, in the Superior Court of California, County of Riverside, in Case No. RIM10016397, Respondent was convicted on her plea of guilty of violating Penal Code Section 490.5 (shoplifting), a misdemeanor.

20. As a result of the above conviction, the Court ordered that Respondent serve one day in the Riverside County Jail for booking purposes only, and placed her on three years summary probation. The Court also ordered her to obey all laws, ordinances and court orders, pay various fines and fees, pay restitution to the victim in an amount to be determined by Financial Services, submit person, automobile, residence, garage, storage areas, personal or lease property with or

1 without reasonable cause to search and seizure, and stay away from Marshall's at 2676 Canyon
2 Springs Parkway in Riverside, California.

3 21. The circumstances surrounding the conviction are that on November 19, 2010,
4 Respondent shoplifted from the Marshall's Department Store in Riverside, California, and
5 Respondent was placed under citizen's arrest by store personnel. When Riverside Police
6 Department Officers arrived, they issued Respondent a citation for violating Penal Code section
7 490.5 (shoplifting).

8 THIRD CAUSE FOR DISCIPLINE

9 **(June 9, 2011 Criminal Conviction for Shoplifting on January 12, 2011)**

10 22. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of
11 the Code in that she was convicted of a crime substantially related to the qualifications, functions,
12 and duties of a registered nurse. The circumstances are as follows:

13 23. On or about June 9, 2011, in a criminal proceeding entitled *People of the State of*
14 *California v. Luz Valvanera Cody, aka Luz Valvanera Galvis, aka Luz Valvanera Brown, aka Luz*
15 *Valvanera Arnevik, aka Luz Valvanera Potter*, in the Superior Court of California, County of
16 Riverside, in Case No. RIM1103109, Respondent was convicted on her plea of guilty of violating
17 Penal Code Section 490.5 (shoplifting), a misdemeanor.

18 24. As a result of the conviction, the Court ordered that Respondent serve nine days in the
19 Riverside County Jail to be served in the Work Release Program, with one day credit for time
20 served. The Court placed Respondent on three years summary probation, ordered her to obey all
21 laws, ordinances and court orders, pay various fines and fees, pay restitution to the victim in an
22 amount to be determined by Financial Services, submit person, automobile, residence,
23 garage, storage areas, personal or lease property with or without reasonable cause to search and
24 seizure, and to stay away from Marshall's Department Store in Corona, California.

25 25. The circumstances surrounding the conviction are that on January 12, 2011, Corona
26 Police Department Officers responded to a call of a petty theft at Marshall's Department Store
27 located at 2459 Tuscany Avenue, Corona, California. Upon arrival, officers learned that loss
28 prevention staff had detained Respondent for shoplifting. Loss prevention staff observed

1 Respondent through camera monitors walk through the store and recognized Respondent as
2 someone who had recently been arrested for shoplifting. Store personnel continued surveillance
3 of Respondent who was observed pulling tags off merchandise and concealing some of the
4 merchandise in her purse and placing a hat on her head, then proceeding to the cash register and
5 paying for a pair of underwear, but not pay for any other items. After Respondent left the store
6 without paying for the items, she was detained and escorted back to the security office and
7 Corona Police Department was called. Upon arrival, officers asked Respondent why she had
8 been detained and she told officers that she had stolen some women's clothing and needed help.
9 Officers ran a records check of Respondent and found that Respondent had priors for shoplifting
10 and arrested her for shoplifting with priors, and transported her to the Corona Police department
11 for processing. Respondent told officers that she was a Hospice Care registered nurse and that
12 when she got stressed out, she shoplifted and that she did not know why. Respondent told
13 officers that she thought she had a psychological disorder and was going to see a psychologist
14 about her problem. Respondent further told officers that when she drove to Marshall's that day,
15 that she did not intend to steal anything and that once shopping, the urge to take something took
16 over. Respondent was processed and transported to the Riverside County Jail for booking.

17 18 PRAYER

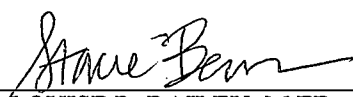
19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 510447 issued to Luz
22 Cody, also known as Luz Valvanera Galvis, Luz Valvanera Brown, Luz Valvanera Arnevik, and
23 Luz Valvanera Potter;

24 2. Ordering Luz Cody, also known as Luz Valvanera Galvis, Luz Valvanera Brown, Luz
25 Valvanera Arnevik, and Luz Valvanera Potter to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED: April 29, 2013 *for* 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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